





## DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS  
4155 CLAY STREET  
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO  
ATTENTION OF:

<http://www.mvk.usace.army.mil/>

August 30, 2002

Operations Division  
Regulatory

SUBJECT: Department of the Army Regulatory Requirements

Dr. Thomas Heineke  
Heineke And Associates, Incorporated  
3014 Sycamore View Road  
Bartlett, Tennessee 38134

Dear Dr. Heineke:

By letter dated July 22, 2002, you were notified by Colonel Richard B. Jenkins, Acting Division Engineer, that your request for appeal of a jurisdictional determination was found, in part, to have merit. The property is described as the Sullivan Property, Sections 19 and 30, T9S-R7W, Panola County, Mississippi. As directed, we have conducted an additional review of the determinations based on the administrative record and supplemented the file accordingly (supplemental memorandum enclosed).

Based on the results of this investigation and review, our determination remains that portions of your property constitute waters of the United States subject to U.S. Army Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act. However, we agreed during the site visit/appeals conference that Ditch D and Pond C, which previously had been identified as jurisdictional, are in fact not considered jurisdictional waters. Also during the appeals conference, the other waters drain immediately upstream of Pond B was shown to be jurisdictional by the presence of an ordinary high water mark. Therefore the jurisdictional map has been adjusted accordingly (enclosure 2). Any work involving the discharge of dredged or fill material (land clearing, ditching, filling, leveeing, etc.) within the limits of the jurisdictional areas identified will require a Department of the Army Section 404 permit prior to beginning work. For your information, I have enclosed a copy of the basis of our determination (enclosure 3).

A Department of the Army permit application package with instructions is enclosed (enclosure 4). Your application for any proposed work in wetlands and/or other waters of the United States should be submitted at least 120 days in advance of the